

Town of Rockport
Special Town Meeting
Saturday, April 30, 2016
Rockport High School

MODERATOR: Ladies and gentlemen, boys and girls I am pleased to report that the Chief of Police who has been keeping the official count has informed me that we have in excess of 150 people here (applause) so I'd like to thank everybody. I asked my two friends and I'm sure that you all asked your friends. We have satisfied the quorum requirement and so we are about to begin (9:08AM)

Let's please now rise for the Pledge of Allegiance. Please remain standing for the invocation which will be given by Matt Wigton from the First Baptist Church of Rockport.

Town meeting members recited the Pledge of Allegiance.

REV. MATT WIGTON: Let us pray. Gracious God as we start this meeting we pause to acknowledge the gift of each day of our lives and the ability to live in the beautiful town that is Rockport in 2016. We pray for wisdom and charity as we seek to go about the business of the town today and we continually keep the thoughts of the common good at the top of our agenda as we go forth. We pray for your guidance for all that is about to happen, in your name. Amen.

MODERATOR: Thank you Reverend Wigton. I'd like a motion to omit the reading of the Articles of the Warrant. So moved and seconded. All in favor please say aye. Opposed say no.

The motion carries. The clerk will now read the Officer's Return on the Warrant.

Town Clerk Patricia Brown read the Officer's Return.

MODERATOR: Thank you. Non-voters are of course welcome to attend this meeting however, you are not allowed to address the meeting except by prior permission of the Moderator and unfortunately we have to corral you in the back there but the seats are great, the view is magnificent from back there and so it's not so bad. We're only going to take a minute to go over the rules because I recognize most of your faces from the last meeting and we've gone through this before but let us continue to always be mindful of the need for civility and decorum. Let us continue to show the world that there are places in the United States where we can hotly debate ideas in a constructive nonviolent and I dare say it, loving environment.

The rules that govern our meeting can be found on pages 8, 9 and 10 of your booklet, if you still have your booklet and of course we base our rules on Roberts Rules of Order and the interpretation that I use can be found in the booklet that you are free to buy called: Town Meeting Time. It's a great book. We do have a lottery system for the Articles that we are going to be hearing today and normally when we have a special town meeting before an annual town meeting I just say that they're all related and we go through them in order but seeing that these are the only Articles we are going to be considering today, I've made the determination that Articles A and B are related and the rest we will do by lottery.

I have a public service announcement from the town which I will read to you now: The town is pleased to announce the application period is open for 2016 seasonal positions. There are a variety of open positions including swim instructors, tennis instructors, lifeguards, transfer station attendants and summer fun counselors, I want to do that, to name a few. Please go to the town website rockportma.gov and click on job and volunteer opportunities to see the full list along with information on applying. You may also stop into the selectmen's office at town hall and if you want to be a summer fun counselor bring something fun with you.

And the other day at Rotary Linda Sanders made an announcement that any Rotarians coming to this meeting she was going to buy them a pony as well as some other gifts. So if there are any Rotarians please raise your hands. I see a few. (Laughter) Wait patiently at your mailbox for your pony.

Okay dispensing with any other pre-meeting announcements we're going to go right to the Articles. The first Article will be L as in Lima followed by D as in David.

The Chair will entertain a motion under Article L.

ARTICLE L (1): To see if the Town will vote to appropriate by transfer from the SPED Stabilization fund a sum of money to the Private Tuitions account to pay for Special Education obligations; or act on anything relative thereto. *(School Department) (requires 2/3 vote)*

LINDA SANDERS FOR SCHOOL SUPERINTENDENT ROB LIEBOW: I move that the Town appropriate by transfer from the SPED Stabilization fund the sum of \$133,694.77 to the Private Tuitions account to pay for Special Education obligations.

MODERATOR: Moved and seconded this requires a two-thirds vote. Any discussion? You've heard the motion all those in favor raise your placard. Thank you very much. Opposed the same sign.

That passed with more than two-thirds vote.

So we move on to Article D which will be followed by Article J.

The Chair will entertain a motion under Article D.

ARTICLE D (2): To see if the Town will vote to appropriate by transfer the sum of \$12,000 from the Fuel Monitoring Equipment account to the Pilings Replacement account for the purpose of replacing pilings; or act on anything relative thereto. (*Harbormasters*)

LINDA SANDERS FOR HARBORMASTER SCOTT STORY: I move that the Town appropriate by transfer the sum of \$12,000 from the Fuel Monitoring Equipment account to the Pilings Replacement account for the purpose of replacing pilings.

MODERATOR: Moved and seconded. Any discussion? All those in favor say aye. Opposed say no.

That motion carries. It was unanimous.

Article J will be followed by Article C.

ARTICLE J (3): To see if the Town will vote to appropriate by transfer the sum of \$50,000 from the Inflow and Infiltration Reserve account to an Inflow and Infiltration Storm Water Elimination Project account to pay for work to eliminate storm water inflow and infiltration into the Town's Sanitary Sewer System; or act on anything relative thereto. (*Department of Public Works*)

LINDA SANDER FOR DPW COMMISSIONER JIM GARDNER: I move that the Town appropriate by transfer the sum of \$50,000 from the Inflow and Infiltration Reserve account to an Inflow and Infiltration Storm Water Elimination Project account to pay for work to eliminate storm water inflow and infiltration into the Town's Sanitary Sewer System.

MODERATOR: Moved and seconded. Any discussion? All those in favor say aye. Opposed say no.

That motion carries and that motion was unanimous.

We have Article C which will be followed by Article E.

ARTICLE C (4): To see if the Town will vote to appropriate by transfer from the Civilian Dispatcher Salary account the sum of \$2,360.41, of which the sum of \$1,320.41 shall be allocated to the Grant Training account and the sum of \$1,040 shall be allocated to the Police Grant account, for the purpose of correcting two grant reimbursement errors; or act on anything relative thereto. (*Town Accountant*)

LINDA SANDERS FOR POLICE CHIEF JOHN HORVATH: I move that the Town appropriate by transfer from the Civilian Dispatcher Salary account the sum of \$2,360.41, of which the sum of \$1,320.41 shall be allocated to the Grant Training account and the sum of \$1,040 shall be allocated to the Police Grant account, for the purpose of correcting two grant reimbursement errors.

MODERATOR: Moved and seconded. You've heard the motion. All those in favor say aye. Opposed say no.

That motion carries and it was unanimous.

We are now going to move on to E as in Echo followed by G.

ARTICLE E (5): To see if the Town will vote to appropriate by transfer the sum of \$7,824.88 from the Fuel Monitoring Equipment account, the sum of \$1,198.12 from the Sediment Transport Study account, the sum of \$602.36 from the Tax Possessed Land Purchase of Services account, and the unexpended sum of \$2,374.64 which was initially borrowed to finance a Fuel Dispensing and Monitoring project that is now complete, and for which no further liability remains, to a School Greenhouse Project account to pay partial costs of a School Greenhouse project; or act on anything relative thereto. (*School Department*)

LINDA SANDERS FOR SCHOOL SUPERINTENDENT ROB LIEBOW: I move that the Town appropriate by transfer the sum of \$7,824.88 from the Fuel Monitoring Equipment account, the sum of \$1,198.12 from the Sediment Transport Study account, the sum of \$602.36 from the Tax Possessed Land Purchase of Services account, and the unexpended sum of \$2,374.64 which was initially borrowed to finance a Fuel Dispensing and Monitoring project that is now complete, and for which no further liability remains, to a School Greenhouse Project account to pay partial costs of a School Greenhouse project.

MODERATOR: Moved and seconded. Any discussion? All those in favor say aye. Opposed say no.

That motion carries and it was unanimous.

And just so you know, the Tax Possessed Land Purchases of Services Account was the name of an Alfred Hitchcock movie but we borrowed it for this meeting. Okay we will go onto Article G as in Golf followed by K as in Kilo.

ARTICLE G (6): To see if the Town will vote to appropriate by transfer the sum of \$45,875.70 from the Oil Furnace/Tank Replacement account to the Bio Filter Wood Chip Replacement account to pay for bio wood chips for the Wastewater filtration process; or act on anything relative thereto. (*Town Accountant*)

LINDA SANDERS FOR DPW COMMISSIONER BRUCE REED: I move to that the Town appropriate by transfer the sum of \$45,875.70 from the Oil Furnace/Tank Replacement account to the Bio Filter Wood Chip Replacement account to pay for bio wood chips for the Wastewater filtration process.

MODERATOR: Moved and seconded. You’ve heard the motion. All those in favor say aye. Opposed say no.

That motion carries. It was unanimous.

ARTICLE K (7): To see if the Town will vote to rescind debt authorization in the amount of \$150,000 from the Back Beach Revetment Repairs Project, as authorized by vote under Article O of the September 14, 2015 Fall Town Meeting and to appropriate by transfer the unexpended sum of \$101,960.23 from the Granite Pier Repairs Project account which was initially borrowed to finance a Granite Pier Repairs project that is now complete, and for which no further liability remains, to the Back Beach Revetment Repairs Project account to pay for repairs to the Back Beach Revetment; or act on anything relative thereto. *(Town Treasurer)*

LINDA SANDERS FOR DPW COMMISSIONER CHAIR PAUL SENA: I move that the Town rescind debt authorization in the amount of \$150,000 from the Back Beach Revetment Repairs Project as authorized by vote under Article O of the September 14, 2015 Fall Town Meeting and to appropriate by transfer the unexpended sum of \$101,960.23 from the Granite Pier Repairs Project account which was initially borrowed to finance a Granite Pier Repairs project that is now complete, and for which no further liability remains, to the Back Beach Revetment Repairs Project account to pay for repairs to the Back Beach Revetment.

MODERATOR: Moved and seconded. You’ve heard the motion. All those in favor say aye. Opposed say no.

That motion carries unanimously.

Okay we have Alpha and Bravo followed by M.

ARTICLE A(8): To see if the Town will vote to appropriate by transfer from available funds sums of money to be expended by various Town Departments to balance or supplement the FY16 budget; or act on anything relative thereto.

LINDA SANDERS FOR MICHAEL HUGHS OF THE FINANCE COMMITTEE: I move that the Town appropriate by transfer the sums of money to be expended by various Town Departments to balance or supplement the FY16 budget as are set forth on page 24 of the April 2, 2016 Town Meeting Voters Booklet.

Amount	From	To
\$ 5,828.35	Public Property Permanent Full Time	Pub Prop Other Purchase Services
\$ 3,843.50	Cemetery Permanent Full Time	Pub Prop Other Purchase Services
\$ 3,188.04	Highway Permanent Full Time	Highway Other Purchase Services
\$ 6,592.18	Solid Waste Permanent Full Time	Solid Waste Other Purchase Svcs
\$45,761.72	Accounting Purchase of Services	Town Accountant Salary
\$13,076.46	Accounting Purchase of Services	Accounting Supt Specialist Wages
\$ 982.37	Tax Possessed Land Purchase of Services	Accounting Supt Specialist Wage

MODERATOR: Moved and seconded. Any discussion? You’ve heard the motion. All those in favor say aye. Opposed say no.

That motion carries. It was unanimous. We move on to Article B – Bravo.

ARTICLE B (9): To see if the Town will vote to appropriate by transfer from available funds a sum of money to pay unpaid bills and payroll of previous years; or act on anything relative thereto. *(Town Accountant)*

LINDA SANDERS FOR ROGER LEVINE OF THE FINANCE COMMITTEE: I move that the Town appropriate by transfer the sums of money to be expended by various Town Departments to pay bills from previous fiscal years as set forth on page 25 of the April 2, 2016 Town Meeting Voters Booklet.

Amount	From	To
\$ 396.00	CPA Administrative Expenses	CPC Mtg Supt Clerk Wages
129.25	Economic Development Expenses	Warner Communications
61.23	Granite Pier Committee Other Charges	Ace Smith Hardware
14.14	Ambulance Medical Expenses	Moore Medical
4,898.60	IS&T Operating Expenses	Ricoh
60.00	Accounting Office Supplies	Accela
2,199.98	IS&T Capital Computers	Dell
.53	Council on Aging Telephone	Verizon
\$ 54,305.00	Free Cash	Snow & Ice Deficit (FY15)

MODERATOR: Moved and seconded. This requires a 9/10s vote. So let’s be ready with the placards. All those in favor raise your placard. Awesome. Opposed the same sign.

That motion carries and it was unanimous. We move on to Article M which will be followed by H as in Hotel.

ARTICLE M (10): To see if the Town will vote to adopt Appendix 115.AA of the Massachusetts Building Code, 780 CMR, the “Stretch Energy Code”, including amendments or modifications thereto, regulating the design and construction of buildings for the effective use of energy a copy of which is on file with the Town Clerk; or act on anything relative thereto. (*Green Community Task Force*)

LINDA SANDERS FOR BRUCE REED OF THE GREEN COMMUNITY TASK FORCE: I move that the Town adopt Appendix 115.AA of the Massachusetts Building Code, 780 CMR, the “Stretch Energy Code”, as it may be amended from time to time, regulating the design and construction of buildings for the effective use of energy a copy of which is on file with the Town Clerk.

MODERATOR: Moved and seconded. Anyone want to discuss this?

DAN APARO: 113A Granite Street - Good morning ladies and gentlemen. This is an administration process that contractors are required to go through and while we would all like to have our houses energy efficient and they should be until you’ve been through the Stretch Code understand what it entails and again this is for contractors to...if you won’t get correct. There’s nothing free and the costs get passed along to you. The Energy Code is.. you can’t buy a refrigerator, you cannot buy a boiler, you cannot buy windows that do not meet the new energy code so we are moving in that direction and again this process that you add to it will add costs to the bottom line of your construction project. Now for me to do the building that I do here in town I need a Construction Supervisor’s License. To get that license I need 6,000 hours in the business then I have to pass a comprehensive test before I can become licensed. Everyone in this room has the ability to become a HERS rater even if you do not own a hammer and have no intentions of ever touching a hammer and then it’s your *opinion* – does the building meet the requirements of the Code based upon your opinion?

I don’t have the luxury of operating by opinion. It’s spelled out very clearly in the Building Code what I must do. Here and again it’s your Building Inspector who sets the tone for the entire community. You pass this, which it’s your decision or your right to, my license becomes subordinate to a HERS rater as does your Building Inspector because he cannot issue an occupancy permit until the letter of compliance comes from the HERS rater which is based upon his opinion of the performance of the structure. Now they have guidelines and they have associations but they don’t have the same number of hours required to build and again everybody in this room can get a license and become a HERS rater even if, again you do not have full experience in building construction. Here and again we all want to save energy and I think it’s a good thing and ultimately that’s the way of the future. Presently contractors in this area are following best possible practices, are meeting energy code, we know what the energy code will be in the future so again it’s your decision. Other communities have the Stretch Code so it’s my hope that in the future there will be a leveling effect. Having built in other communities it was a very difficult process and again was based heavily on opinion from a HERS rater and there’s nothing that I can do and there’s nothing that the Building Inspector can do until the letter of compliance is passed along from the HERS rater. Here and again saving energy is a great thing but what I would like to see hopefully in the future is to become a HERS rater you need the same equivalent license that I have, that your Building Inspector has so we’re all speaking the same language and you remove *opinion* from the equation.

Is this a good thing? Ultimately it is and I’m not against this I can’t vote on this because obviously there is a financial implication for me.

BRUCE REED: I’m the Chairman of the Green Community we’re the ones putting this article forward. Let me just mention the name of a few communities: Gloucester, Manchester, Beverly, Hamilton, Wenham, Essex, West Newbury, and about 160 other communities across the state now have the Stretch Code as part of their building process. You don’t have to raise your hands but how many people in this room today are going to build a new house in the next year from the frame to the foundation up those are the only people that have to deal with the HERS rating. If you’re doing an addition if you’re doing a modification you’re putting new windows in you don’t have to deal with a HERS rater and I also would submit what’s wrong with having a tight house that you’re saving money there’s really nothing wrong. It is the wave of the future. If I’m a homeowner or I’m building a new house I want my house to be energy efficient. The only person here that’s or people here that seem to have an issue with the Stretch Code at present are some of the contractors but the point is that you’re going to have to build to these rules no matter where you’re building these days in the area. The rules are constantly changing and they will change and I hear the pain about HERS raters but you know what we can’t do anything about that it’s the same for every 160 communities. I’m sure the state will get into the position at some point when they start licensing HERS raters but today a HERS rater goes through an association to become a certified HERS rater and it’s the same in all 160 communities we can get as deep as you would like into this rule J.D. Herlihy knows this rule very, very well from our committee and he’d get into it but the key here is that this code is for people building a new house from the foundation up and 160+ communities in the state are now building to this rule and all of the commit..towns surrounding us use this rule. Thank you.

ERIN BATTISTELLI: Good morning, the Rockport Board of Selectmen is in favor of becoming a green community and supports the efforts that our task force has undertaken over the last I think over a year now. This is one of the criteria that we do have to meet in order to become a green community and there’s you know all sorts of benefits to the town in terms of opening ourselves up to some grant funding for energy efficient endeavors. I understand what Mr. Aparo is saying but some other people who I’ve talked to feel that, and have built houses in Gloucester, that the increase in cost is not drastic in fact two of the houses this person built it costs and extra \$1,500.00 but overall the person who has the more energy efficient house will benefit by a lot more savings than that so I’d like to take the opportunity to thank the members of the taskforce for all their efforts. Thank you.

MODERATOR: I’d like to thank the well-dressed microphone people today, Mr.Murphy – thank you. (Applause)

HELEN BARNETT: 3 Jerden's Lane - I'm one of those few people who plan on building a new house. I've been working on this house for five years and this makes me a little nervous. I've got my budget figured out to the T at this point. I have stretched everything to the limit and someone says to me that the person who is telling me whether I can live in my house is not as qualified as the building inspector in this town, I'm a little nervous. Thank you.

LARRY NEAL: I'm the Chairman of the Rockport Conservation Commission and we discussed this at our meetings. We've attended some of the Green Community presentations and the Conservation Commission is completely in favor of this. I was a facility manager for a major company for 20 or 30 years energy conservation is a saver to any organization and individuals have issues which I don't disagree with. I used to see them but for the town this is really a great thing and I just want to read the letter from the Conservation Commission to Bruce Reed, Chairman of the Green Community Taskforce (letter read) and I just want to say as a lifelong resident of Rockport that one thing I've noticed over the years is Rockport always has lead in this type of thing and for some reason that's slipped away from the town and I think that we're last. It's good we're doing it but hopefully we do better and really take the lead on these types of things. We're the Conservation Commission we're very interested in resources but I think everyone's interested in saving money and that's what it will do for the town overall. Thank you.

MODERATOR: Anybody else? It appears we are ready to vote. You've heard the motion all those in favor raise your placard. Thank you. Opposed the same sign. Thank you.

The motion carries. We move on to H.

ARTICLE H (11): To see if the Town will vote to appropriate by transfer the sum of \$200,000 from Free Cash to the Finance Committee Reserve Fund for the purpose of providing funds for extraordinary or unforeseen expenditures, if needed, including but not limited to unexpected shortfalls in projected revenues or unexpected increases in snow and ice expenditures; or act on anything relative thereto. (*Town Accountant*)

LINDA SANDERS FOR WALLY HESS OF THE FINANCE COMMITTEE: I move that the Town appropriate by transfer the sum of \$200,000 from Free Cash to the Finance Committee Reserve Fund for the purpose of providing funds for extraordinary or unforeseen expenditures, if needed, including but not limited to unexpected shortfalls in projected revenues or unexpected increases in snow and ice expenditures.

MODERATOR: Moved and seconded. All those in favor say aye. Opposed say no.

The motion carries and it is unanimous. Now we move on to Article I as in India.

ARTICLE I (12): To see if the Town will vote to appropriate by transfer from the Community Preservation Fund Undesignated account the sum of \$350,000 to a Millbrook Meadow Pond Dredging project account to be expended under the oversight of the Department of Public Works and the Community Preservation Committee, for the preservation, and/or rehabilitation of Millbrook Pond and Frog Pond at Millbrook Meadow, specifically, for dredging and all incidental and related costs; or act on anything relative thereto. (*Community Preservation Committee*)

LINDA SANDERS FOR RUTH GEORGE CHAIRPERSON OF THE COMMUNITY PRESERVATION COMMITTEE: I move that the Town appropriate by transfer from the Community Preservation Fund Undesignated account the sum of \$350,000 to a Millbrook Meadow Pond Dredging project account to be expended under the oversight of the Department of Public Works and the Community Preservation Committee, for the preservation and/or rehabilitation of Millbrook Pond and Frog Pond at Millbrook Meadow, specifically, for dredging and all incidental and related costs.

MODERATOR: Moved and seconded.

RUTH GEORGE: Good morning, my name is Ruth George I live at 86 Granite Street and I am Chairman of the CPC Committee. The Millbrook Meadow Committee is requesting a grant in the amount of \$350,000 from the Community Preservation Committee towards dredging Millbrook Pond and Frog Pond to continue their Meadow and Pond Restoration Project. This applicant has requested funds under both Open Space/Recreation and Historic Preservation categories. This project is utilizing funds from our 2015 application process.

Our projects are usually presented at the fall town meeting, but this applicant's original application was for \$1,219,000. With decreasing state matching funds, going from 100% in 2003, to 44% in 2015 and now to 41% in 2016 our continued bond payment for the Community House and the applications we asked the Millbrook Committee to break down their request into stages, noting the most urgent parts first. We also suggested that they get additional information on permitting timelines that we would bring this application to the spring town meeting today.

Millpond was given to the town in 1936 and the meadow in 1938 much of its maintenance and upkeep has been limited to volunteer help and limited local resources. With the repairs of the mill dam reconstruction it became apparent that it was time to look at both sides, the pond and the meadow, for restoration of this valuable "green gem" town asset. Millbrook pond and meadow have long been a popular – safe place for all to visit and enjoy its natural beauty – enjoying skating and fishing in the pond, events held in the meadow and a place for families to play and picnic. The Millbrook Meadow Committee has worked very hard helping to raise awareness and money with their Millbrook Meadow Conservancy and with the help of the legacy of the Lura Phillips Trust. The Community Preservation Committee recommends the voters support this request.

Millbrook Meadow Committee with the Rockport DPW has also submitted an application towards additional restoration projects for this current 2016 cycle. I just want to take a moment to tell you about some of the other applications that are coming forward for the 2016 cycle. As I said, Millbrook Park, Millbrook Pond rather has an application we have Harvey

Park restoration, boiler for the Pigeon Cove fire station, and Legion Hall, Straitsmouth Island boat ramp, Action for their tenant based assistance, town tennis courts at Long Beach, Pigeon Cove fire station rehabilitation, Sandpiper property which is the Cape Hedge/Pebble Beach overlook, and Pingree Park basketball courts and they're also two that we're looking at Right of Way has submitted two looking about doing legal research for the Atlantic Path. That's going to amount to, that total right now is \$890,000 so we're looking for that towards – those are some of the projects for this year coming up. All the applicants have, I put packets in the Town Clerk's office so anyone can go in and read them and see what the different projects are coming up this year so we urge you to support Millbrook Pond dredging. Thank you very much.

MODERATOR: Anybody else? Toby I didn't even know you were here today (laughter)

TOBY ARSENIAN: 95 Granite Street - I was reassured by one thing that Ruth George said that the project for Millbrook has been broken down into stages and in the fall we're only going to be asked for the additional \$250,000. but the Millbrook Meadow Committee is not giving way on all of their plans which are grand or grandiose however you wish to see it. I'm concerned about spending all the money. If we spend the \$890,000 in the fall that merely leaves \$117,743.64 and in the past the committee has made it a policy to keep \$500,000 to \$600,000 in the Community Preservation funds so you can make what you'd like of that. I think with all of the projects that come before us from the Community Preservation Committee we should ask ourselves a question and the question isn't is this something we would like to have or is this something we would like to do the proper question is – is this the best possible way of spending the money and I don't believe this is. If we're going to spend hundreds of thousands of dollars on open space we should be buying more open space for the town in particular we should be buying open space in the watersheds. Buying open space in the watersheds is not an indulgence for those of us who would rather look at trees than house lots buying open space in the watersheds is an investment in the future of this town. Nothing but nothing is more important to the future of the town than an adequate supply of unpolluted fresh water. It's my feeling that while this is a worthwhile project if money were no object it is an indulgence. Of course money is always an object it has to be.

I attended the hearing on this project before the Conservation Commission several weeks ago. At that hearing the consultants Milone and McBroom were asked how long the Millpond would take to fill in to its present sorry state after the dredging. The answer was totally unsatisfactory. Although that is not the fault of the consultants the answer was it would take 15 to 30 years. Obviously that's an enormous range of time and I would say it's obvious that we can't undertake such a project every 15 years. Could we undertake such a project every 30 years I don't know I would tend to think not. At that hearing the DPW Director who is representing the project was asked: "What is being done about the runoff upstream all the sand and silt that has caused the Millpond to fill in?" His answer was that the train station is being properly addressed and dealt with. We've already appropriated money to cover that. He was asked about the roads and streets. The answer is the DPW is intending to do a more thorough job of getting the sand out of the storm drains. That's hopeful but no dollar figure was attached to that statement. Then he was asked: "What about runoff from private property?" The answer was – nothing can be done about the runoff from private property and he's very largely correct.

The town storm water bylaw only deals with disturbance of areas of over 20,000 square feet, for a point of reference an acre is 43,560 square feet, so you do an enormous amount of damage and stir up an enormous amount of silt and nobody can say anything about it. If you wish to throw bushels of sand on your driveway no one has any say in the matter so we're asked to spend all of this money and we have no assurance of what is going to happen in the future, the Millpond filling in all over again. I would say that's shortsighted. It's not the consultants fault because they were not asked to look into the drainage upstream and the run off but it is a problem. I think we would do better to save the money and spend it on buying land.

PAUL MURPHY: I always seem to have the honor of following Toby at a selectmen's meeting or town meeting but, Paul Murphy from the Rockport Board of Selectmen, the selectmen support this initiative. I think we have a responsibility to protect and to take care of Millbrook Park. Millbrook Park is one of the signature areas in the Town of Rockport where school age children play, the artists go to paint. It is in desperate need of some real care. Please support this. This is important for the town and again we have the responsibility to take care of Millbrook Park.

CRAIG MOORE: 10 Union Lane – Good afternoon, my name is Craig Moore I live at 10 Union Lane and when this project first started after the Millbrook Meadow Conservancy began after a year of them beginning the project, being an abutter to the pond I was invited to, and my wife and I to, an abutters meeting down at the pond with Millbrook Meadow Conservancy about their project and it was quite nice. It was a nice meeting and we felt excited about the park and the pond being restored but then as I looked at the 81 page master plan that Milone and McBroom have put forth and all the hard work that they have put into this and the money they've spent there's a lot of things about the whole park and the project that look more like a rubberstamped, just a park and pond restoration that's more of a complete, just a complete overhaul and as I've seen things removed from the pond and the park and what they want to put in place I feel like the "green jewel" that they're trying to preserve is looking nothing like a "green jewel" and so I just have a lot of concerns about what you're voting on today if you've ever gone onto the website and you've looked at the Millbrook Meadow Conservancy's plans, the 81 page master plan, to see what they actually are doing to the park and pond. Plus they want to put a lot of trees and privacy screening in front of the houses that look out at the pond and at one of the meetings I asked Milone and McBroom why do you want to put trees in front of these nice old antique houses that are down here looking at the pond and their answer was that when people go to a park they don't want to see houses. Well one of the things that people like to paint and see when they do go down to the park and pond is all the antique houses and the views and the scenery that we have there and it is quite a nice green jewel but it's the green jewel I feel like is being stripped away and as an abutter and the person who views the pond every single day I feel like it's changing drastically so maybe you could look at the 81 page master plan and see what they're actually doing before you vote on this. Thanks.

JOE PARISI, DPW DIRECTOR: I think it is important that you do know what you're voting on tonight and what that is is purely a dredging project. There are other items in the master plan that deal with the meadow but what we need to do right

now is to dredge the millpond. I had the experience of seeing what the bottom of the pond looked like when we did the dam repairs and it is, it is quite choked with sediments. The pond depth is very shallow and as time goes on we will lose more and more of the pond. We will lose it to cattails that are growing. There are a number of cattails that keep pushing towards the dam and over time we will lose more and more open space of the water. We plan on excavating about 5,000 square feet of cattails to push back that growth and we also plan on getting a depth of about six feet in the middle of the pond. The edges of the pond will be steep in its banks so that the cattails cannot gain hold again and start growing into the pond so it's important that we do something now; \$350,000 is a lot of money but it really is probably just an amount of money that will do a minimum amount. I'd like to do more. There is certainly more we can do there but we know we need to break this project up into pieces so what you're really voting on today is just the dredging. The other aspects of the project in the meadow will certainly come before you at a later time and you can vote how you feel about that at that point in time but I do urge you that you vote in favor of the dredging tonight because it's needed. We really can't waste too much time. The more time we waste the more of the pond we lose; the cattails are something that we need to address now so I ask that you support the project and vote in support. Thank you.

CHARMAINE BLANCHARD: 16 ½ King Street – I'm also a member of the Millbrook Meadow Committee. I would just like to echo what Mr. Parisi stated that we are just voting on dredging of the millpond. There has been a lot said about the other parts of the project however those parts of the project are not funded and they are not set in stone. What Mr. Moore was discussing is a concept plan and that is clearly something that may happen in the future but we don't have the money right now. We were asked to break the plan down and that's what we did and this is the most pressing piece of the project. If you go down there you will see there's no fish that are able to survive in millpond right now because it's approximately two feet deep and the cattails have significantly taken over. With regard to what Toby Arsenian said we are looking to hopefully do this in a responsible manner so that we are not coming back in 15 or 30 years and having to re-dredge. I was present at those meetings and I seem to recall that they had really no answer as to how long it will take for the pond to fill up but that we are leaving some of the screening in the pond so that it will provide a fil..natural filtration and we are going to take the sediment out in steps so that hopefully it will not fill up as quickly as it did when the dam breeched and a lot of the sediment filled in and then when Beaver Pond was broken and a lot more sediment came in. I know that the town is working on trying to clear the storm drains and working with the MBTA so hopefully the sediment will also not be coming in all together like it has been. We ask that you support this project. I agree that we need to look at buying more land but if we can't take care of the land that we own now it's going to be difficult if we have other land and we're unable to preserve that. Lura Phillips had a vision for this property. She preserved it and you know it wasn't paved over and made a parking lot and I think we owe it to ourselves and future generations to maintain her vision and to make this a beautiful lasting place. Thank you. (Applause)

SANDY JACQUES: Pardon my voice; it'll make my talk shorter. As a former chairman of the Finance Committee (Moderator: you sound a little like Clint Eastwood) but that's good maybe I'll speak louder but aside from all the positive benefits that I fully support in maintaining our property properly certainly Millbrook Park is that but this is the Special Town Meeting and one of the advantages of this particular time to vote in favor of this is that the money will be available now rather than in July some time in next year's budget so I think the timing is a major factor here as well validity to doing this project so I'd just add that to the equation. Thank you.

DOROTHY CARVALHO: 6 Ridgewood Road – I was on the Water Committee for 34 years and we went down there with Al Boulter and the whole committee several times with great concern when the initial filling in began after some of the big storms and I realize that it's not that large an area but it was considered to be one of the possible sources for water for the town in an extreme drought which we have been through through the years and I know that our committee at that time was very anxious to get it dredged. This was at least 15 years ago where we were concerned and seeing the blue rushes already growing so I think that we should support it as a water source I realized Toby saying about buying land but this is one that we already own and we should preserve.

STEPHANIE MOORE: 54 Main Street – I had the pleasure actually of walking Millbrook meadow with Shannon Mason from the Millbrook Meadow Committee to talk about exactly how far back this dredging is going because my main concern really is you know the natural succession of the pond is to eventually turn into a field. I don't think that any of us want that but what its' done is that whole back section has turned into a major wetlands area and there are beautiful birds and wildlife and things that I feel like haven't been considered in this proposal. There are black crowned night herons that are on the whispering bird list. There are all kinds of bitterns and herons and blue herons and I used to live at 23R King Street which is right on the pond. I've seen a lot of this and it's beautiful down there and what you see back there is gorgeous and I think that's part of what this green jewel is so I'm wondering if someone from the committee could actually speak and talk about exactly how far back this dredging is going to happen and how much of that wetlands area you're actually going to keep because that is part of the beauty of this park so would anyone like to speak to that?

HANK BETTS: 13 Penzance Road – I'm going to support this this..monies but I do have a question. It's I think when you talk to the Planning Board we talked about asking a question about isn't there a way that you could have a quieting pond before the water from runoff reaches the new pond so that DPW could for instance every five years or two years or whatever inexpensively drain out the sand from driveways or wherever the runoff comes from before it reaches a main pond and if that's..is that in your future plan and something like that is pretty easily engineered and is..for maintenance of the pond would be easily done and have you, is that in your future plan or could it be put in your future plan and beyond that though I've got a real problem with I to me it looks like this is like putting a frog in cold water and when it heats up it dies once it finally gets hot and it (Moderator: You've done that?) (laughter) if we keep, if we keep going down the road it's like to me we're committing beyond this, we're committing eight or nine hundred thousand dollars we say we're going to do it incrementally I don't know how you do once you go down this road passed where we are well I'm going to vote on today why doesn't this project have to meet criteria that other projects meet and I'm more in favor of what I think the vice chairman of the committee handing out money said. He thought we should limit the amount of money that goes into these types of projects that are not on the ballot to a couple hundred thousand dollars or so but if we continue down

this path with this project beyond this project which I am going to vote for we're committing ourselves to money that the whole town may or may not really want to have if they really voted at a vote as opposed to at a town meeting.

MODERATOR: Anyone from the committee to talk about quieting ponds, birds, cruelty to frogs? Okay. Do you want to talk Sarah now that you've come in first or..okay. All right. Joe do you want to cover those topics?

JOE PARISI, DPW DIRECTOR: Yeah I'd like to just address how far back we're going with the removal of cattails. Five thousand square feet believe it or not, is not a lot of area if you look at what's there. It's a small percentage. I would say that we may be able to go back another 30 perhaps 40 feet but we're going the full width of the back side of the ponds so you eat up 5,000 square feet fairly easily. There's plenty of additional cattails in the back and it extends quite a bit back so I think the wildlife will be minimally impacted. We did go through the Conservation Commission hearing for this and we should be permitted shortly. I think the next time they meet they'll issue an Order of Conditions so I think you know it's gone through the process, the impacts are minimal and you know the project will be a good project to get the pond in at least the state it should be for a number of years without being concerned that we'll lose it and again I think it's a project worth your support. As far as the funding goes it's Community Preservation Act funding. There's a number of dollars that you all contribute as well as the state matching in whatever means they can that go towards a number of different types of projects and recreation/open space is one of them and this is a project that I think those funds are really earmarked for. Certainly it's a town-owned project it's something that we need to maintain and over the years very little has gone into this park and we have a strong group of people here that are willing to put their time, volunteer efforts put their time in. The public works department is set to get this project done we just need the funding and we try to go to the town Capital Committee to get funding we've got a little bit of money to get to the design aspects of the project. We're now into the construction aspects and it does take some money. This is the first phase of what we need to fund and the Community Preservation Committee has voted in favor of allocating \$350,000 from last year's funds toward this project. So it's a good start, we'll continue to develop the project, continue to bring you the information you need to vote on but tonight, or this afternoon we hope that you're able to approve the money and then we can get going to this first step so thank you. I hope you do support the project.

MODERATOR: Before we hear from anybody else if you own a maroon Suzuki with plate number ---- you're blocking 6 Jerden's Lane and so if you could move it that would be appreciated. Thank you. Hold on just a minute, anybody over here then we'll go over here. Mr. Tarr.

FREDERICK TARR: (No microphone used – could not hear on tape – but according to notes Mr. Tarr called the question.)

MODERATOR: Well hold on we've got some people in line here to speak. Yes, Toby?

TOBY ARSENIAN: Joe Parisi spoke of the state matching money I know Maryann Lash objects to it being referred to as matching money but I don't know how else to phrase it. That's now down to 41.51% so by far the largest part of this is indeed tax money it's the 3% surcharge on your tax bill and if you're over 65 and can claim to be impoverished you'll be forgiven it. I take exception to what Charmaine Blanchard said I did not dream up the 15 to 30 years there were a number of people here who attended the Conservation Commission meeting and that was what the consultant, I don't remember his name from Milone and McBroom, said it's not something that I dreamed up and I guess I don't agree with what Dorothy Carvalho said either about the Millpond being a possible source of water in case of desperation. In case of desperation we've drained the Loop Pond which is really a pond more by courtesy what the Millpond is turning into it's really a swamp. You wouldn't conceivably use the Millpond as a water source and I'm asking the DPW, the commissioners or director to confirm that. Everything downstream of the train station is severely polluted from things that were dumped at the train station and other misfortunes that we needn't go into so it's inconceivable that we would be using the Millpond. We might use the Mill stream and debatch the source of the overburdened wells at the foot of the, I believe, it's Applecart Road but that's not conceivably a water source. This is billed as just \$350,000 for the dredging of the Millpond and removal of the cattails but there's more involved in it than that. In order to get the permit from the Conservation Commission you're required to do mitigation. The mill stream, millbrook is a river under the state's regulations everything is jurisdictional 200' out from it and if you disturb a river, you may be able to hop across it, but it's a river you're required to leave things in better state then when you started so the Conservation Commission will be requiring mitigation and they have to do that under their regulations, the state regulations, the 310 Commonwealth of Massachusetts regulations so there will be expense for whatever the Conservation Commission chooses to put in their Order of Conditions and I want to know whether that will be covered by the \$350,000 or are we on the hook later for that money?

PHIL CROTTY, VICE CHAIRMAN OF THE CPC COMMITTEE: It was said before that I did write a letter to the editor about the financial status of the CPC and it's my opinion that given the fact that we have \$500,000 or \$600,000 a year to spend we have ten applications on the average every year, averaging \$100,000 I'd say, some less, some more, that I think our expenditures should be limited to a cap of say \$200,000 a year if an enterprise wants to go beyond that then it can apply for bonding through other devices at the town but that's how I see it. However in this case the committee voted for the \$350,000 and being a member of the committee I'm going to support it.

MODERATOR: It appears that you're ready to vote. Get your placards ready. All those in favor please raise your placard. Thank you. Opposed the same sign.

This motion carries.

I just asked that when you dredge I get my old hockey pucks back because I lost a lot of those back in the day. Now we move on to Article F like foxtrot.

ARTICLE F (13): To see if the Town will vote to appropriate by transfer the sum of \$8,000 from the Library Building Repairs account, the sum of \$1,921 from the Solar Speed Signs account, and the sum of \$79 from the Tax Possessed Land Purchase of Services account, totaling \$10,000 to a Highway Drainpipe and Accessories account for the purpose of paying for drainpipe repairs and replacements; or act on anything relative thereto. (*Department of Public Works*)

LINDA SANDERS FOR DPW COMMISSIONER CHAIRPERSON PAUL SENA: I move that the Town appropriate by transfer the sum of \$8,000 from the Library Building Repairs account, the sum of \$1,921 from the Solar Speed Signs account, and the sum of \$79 from the Tax Possessed Land Purchase of Services account, totaling \$10,000, to a Highway Drainpipe and Accessories account for the purpose of paying for drainpipe repairs and replacements.

MODERATOR: Moved and seconded. Any discussion? All those in favor please say aye. Opposed say no.

That motion carries.

Do we have any further business before the town? We don't. Disappointingly it is 10:13AM. I had predicted 10:15AM so if we could stay for a moment or so I win a huge sum of money.

The Chair will entertain a motion - yes

PAUL MURPHY: We just want to remind people if they would like to take an opportunity there's an open house at the DPW facility up on upper Main Street from noontime on. If you haven't had an opportunity to check out the barn in preparation for the vote on Tuesday please check it out.

MODERATOR: Alright now its 10:14AM anybody else? I want to thank you sincerely for attending today. We have a motion to dissolve the meeting. All those in favor say aye. Opposed say no.

That motion carries. Thank you Mr. Murphy for running the microphones.

The Special Town Meeting dissolved at 10:15AM.